

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C.

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List A B C D E

General Position of ITFS Parties

The ITFS Parties generally support the idea of requiring some ITFS applications, or portions of applications, to be filed electronically. They agree that, at least after an initial "shake out" period, electronic filing would expedite the application process by eliminating the need for manual entry and review of engineering data, including especially interference analyses. Electronic filing could also facilitate more accurate and up-to-date databases for reference of both the FCC staff and the public (who could access the databases both locally at the FCC and remotely by computer).

Scope of Electronic Filing Mandate

The ITFS Parties believe that if the electronic filing procedure is implemented, it should apply to every "type" of ITFS applicant--that is, without regard to whether the applicant is affiliated with a wireless cable entity. It would be difficult to achieve the full benefits of the process (such as complete, up-to-date databases) unless all applications containing engineering data are filed electronically. The ITFS Parties also note that it may be difficult to draw a line between applicants that are "affiliated" with wireless cable entities and those that are not. In many cases, ITFS applications are filed in anticipation of leasing excess capacity, and are paid for by wireless cable entities, even if actual leases are not yet executed.

In order to protect the interests of smaller educational entities that may try to file applications on their own without knowledge of the electronic mandate, the FCC might consider, for a short transition period (such as six months), allowing such applicants filing paper applications to refile their applications electronically within 30 days of FCC notification

without losing their original filing date. This allowance should be limited to applicants that can certify that they were unaware of the new mandate. Also, the FCC should engage in effective promulgation procedures to ensure that educators have a fair chance of becoming aware of new requirements.

The ITFS Parties are not convinced, however, that it is necessary to require ITFS filings containing no engineering information (such as certifications of completion of construction, amendments to legal, financial or programmatic responses, ITFS excess capacity agreements, and assignments/transfers) to be made electronically. Indeed, in view of the difficulty or expense of electronic transmission of graphic or lengthy textual material, perhaps the FCC should consider requiring some portions of even new applications and facilities modification applications to be filed on paper (the non-engineering materials noted above, plus transmitter/receive site sketches and maps) and some portions to be filed electronically (actual engineering data). The benefits of the electronic filing system can still be achieved without totally eliminating the filing of paper.

Necessity for Use of VAN

With respect to the electronic filing system itself, the ITFS parties note that they, their counsel, their engineering consultants, and most state educational entities and institutions, as well as the FCC, have access to the Internet with its electronic mail, downloading and uploading capabilities. The ITFS Parties therefore question why it might be necessary for electronic filings to be made through a commercial Value Added Network ("VAN") as proposed in the NPRM. Use of a VAN would simply add to the cost of filing

for applicants. Perhaps the FCC could establish an Internet address to which ITFS applications could be transmitted. If the FCC itself needs the services of a VAN to assist it in collecting or processing the data, it should pay for such services, not the ITFS applicants.^{1/}

Other Issues

In reviewing the electronic filing proposal, the ITFS Parties also have a number of specific questions about how the process would work. The ITFS Parties believe that appropriate responses to these questions would materially assist electronic filers, and they urge the FCC to take these issues into account.

1. Would specific software programs be required to generate send the data?
If so, who would develop and make it generally available, and at what cost?
2. Would the FCC develop and make available (electronically or on computer disk) an appropriate electronic document format so that it could be used by applicants? Such a document would also be of value for the ITFS Parties' internal ITFS facility design programs.
3. Would applicants receive immediate and documentable confirmation that their electronic filings have been successfully received? The FCC now takes the position that, in connection with lost or misplaced filings, a

^{1/} If the use of a VAN is mandated as suggested in the NPRM, the ITFS Parties and their counsel will follow up on the FCC's suggestion that representative groups establish electronic mail boxes for the transmission of ITFS applications to the FCC.

dated receipt stamp from the Secretary's office is necessary to prove that filings were indeed made.

4. What penalties would be imposed for problems and mistakes in using the filing procedure? The ITFS Parties are concerned that the FCC notify applicants and provide them an opportunity to correct filings, rather than reject filings made in good faith but suffering from problems in the electronic filing process. This is especially necessary as the process is initially put into place.
5. Will the FCC create an electronic bulletin board where ITFS entities can obtain status information about outstanding authorizations, pending applications, construction deadlines and renewal dates?
6. Will the FCC make forms, outstanding rulemakings and ITFS rules available on the Internet for downloading?

Conclusion

Subject to the foregoing suggestions, concerns and questions, the ITFS Parties support requiring ITFS applicants to be filed electronically.

Respectfully submitted,

SOUTH CAROLINA EDUCATIONAL
TELEVISION COMMISSION

STATE OF WISCONSIN-EDUCATIONAL
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